

FILED

March 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. _____

FILED

MAR 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Karen Daniel-Knoll
CDOC# 140558
Appellant,

v.

MOTION AND AFFIDAVIT IN SUPPORT
TO PROCEED ON APPEAL WITHOUT
PAYMENT OF FILING FEE

The State of Montana
Lewis and Clark County
County Attorney
Leo Gallagher
Appellee,

I move this Court to proceed without payment of the filing fee in this cause, and I submit this affidavit in support of my motion.

I, Karen Daniel-Knoll, being first duly sworn, depose and say that I am the Appellant in the above-entitled casue; that in support of my application to proceed on appeal without being required to pay the filing fee, I state that because of my financial condition I am unable to pay the filing fee; that i believe I am entitled to redress; and that the issues which I desire to present on appeal are the following:

The Defendnat does not meet statute as described in MCA-45-6-316.

The Defendant's rights to due process under USCA 5 and 14 were violated by the actions of the County Attorney's Office.

The Defendant's rights against illegal search and seizure as described in USCA 4 were violated by the Helena Police Department Officer(s) and agents of the Federal Bureau of Investigations on or about June 15, 2006.

The Defendant's rights against illegal search and seizure as described in USCA 4 were violated by the actions of Detective Russ Whitcomb, and /or officers of the Helena Police Department or Lewis and Clark County Officers unknown to the Defendant at this time, in that the Defendant's mail was removed by parties unknown and withheld from her without warrant.

The Defendant's PSI was transmitted to another individual without the Court's authorization, a violation of MCA 46-48-113(1).

The District Court has on several occasions failed to notify the Defendant of actions or orders in her cause.

The Defendant states claim that her counsel during the proceedings was ineffective and that any one of the claims stated herein should have been properly investigated and brought before the Court for judgment.

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of prosecuting the appeal are true.

1. I am incarcerated in the La Vista Correctional Facility, located in Pueblo, Colorado.

2. I am paid \$0.60 a day for attending classes, which at most equates to \$13.60 a month gross. Inmate banking statement provided.

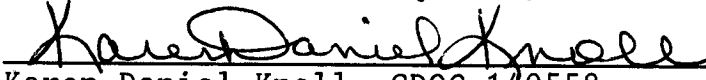
3. I have no cash, checking accounts, saving accounts or other financial assets.

4. I own no real estate, stocks, bonds, notes, automobiles, or other valuable item.

5. I have no dependants.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury.

Signed and dated this ²³~~22~~ day of March, 2010.



Karen Daniel-Knoll, CDOC 140558
LVCF Unit 1
1401 W. 17th Street
Pueblo, CO 81003

Account: 140558 DANIELKNOLL, KAREN C

LA VISTA LVCF/UNIT1

To:From Dates 09/01/2009: 03/22/2010

Trans Date	Description	Deposits	Withdrawls	Balance	Loc
09/01/2009	BALANCE AS OF 09/01/2009			-4.83	
09/02/2009	MEDICAL-CREDIT 8/31/09	5.00		0.17	LV
09/09/2009	XEROX-DEBIT		1.00	-0.83	LV
09/09/2009	POSTAGE-DEBIT		0.28	-1.11	LV
09/09/2009	1 STUDENT	2.40		1.29	LV
09/09/2009	1 STUDENT	9.83		11.12	LV
09/17/2009	Canteen Order #6928002		8.92	2.20	LV
09/18/2009	XEROX-DEBIT		1.50	0.70	LV
09/21/2009	MEDICAL-CREDIT 6/25/09	5.00		5.70	LV
09/21/2009	MEDICAL-CREDIT 7/24/08	10.00		15.70	LV
09/25/2009	POSTAGE-DEBIT		0.88	14.82	LV
09/25/2009	XEROX-DEBIT		5.25	9.57	LV
09/25/2009	POSTAGE-DEBIT		1.49	8.08	LV
09/29/2009	Canteen Order #6954613		7.23	0.85	LV
09/30/2009	RESTITUTION-06CR3886		1.97	-1.12	LV
10/06/2009	1 STUDENT	12.46		11.34	LV
10/14/2009	Canteen Order #6987121		6.63	4.71	LV
10/15/2009	POSTAGE-DEBIT		0.88	3.83	LV
10/15/2009	POSTAGE-DEBIT		2.27	1.56	LV
10/19/2009	MEDICAL APPOINT		3.00	-1.44	LV
10/26/2009	POSTAGE-DEBIT		1.32	-2.76	LV
10/26/2009	POSTAGE-DEBIT		3.39	-6.15	LV
10/30/2009	RESTITUTION-06CR3886		2.49	-8.64	LV
11/06/2009	POSTAGE-DEBIT		3.66	-12.30	LV
11/10/2009	1 STUDENT	10.75		-1.55	LV
11/13/2009	POSTAGE-DEBIT		2.07	-3.62	LV
11/13/2009	POSTAGE-DEBIT		0.44	-4.06	LV
11/18/2009	POSTAGE-DEBIT		3.08	-7.14	LV
12/01/2009	RESTITUTION-06CR3886		2.15	-9.29	LV
12/02/2009	POSTAGE-DEBIT		2.07	-11.36	LV
12/04/2009	POSTAGE-DEBIT		2.71	-14.07	LV
12/04/2009	1 STUDENT	10.75		-3.32	LV
12/16/2009	Canteen Order #7118224		3.23	-6.55	LV
12/31/2009	RESTITUTION-06CR3886		2.15	-8.70	LV
01/12/2010	1 STUDENT	2.40		-6.30	LV
01/12/2010	1 STUDENT	1.80		-4.50	LV
01/12/2010	1 STUDENT	8.49		3.99	LV
01/20/2010	POSTAGE-DEBIT		0.88	3.11	LV
01/26/2010	POSTAGE-DEBIT		0.88	2.23	LV
01/26/2010	POSTAGE-DEBIT		0.44	1.79	LV
01/29/2010	RESTITUTION-06CR3886		1.70	0.09	LV
02/09/2010	POSTAGE-DEBIT		1.83	-1.74	LV
02/09/2010	1 STUDENT	7.52		5.78	LV
02/09/2010	1 STUDENT	3.23		9.01	LV
02/16/2010	DENTAL APPOINT		3.00	6.01	LV
02/17/2010	POSTAGE-DEBIT		0.88	5.13	LV
02/17/2010	POSTAGE-DEBIT		0.44	4.69	LV
02/26/2010	RESTITUTION-06CR3886		2.15	2.54	LV
03/03/2010	POSTAGE-DEBIT		1.76	0.78	LV
03/08/2010	POSTAGE-DEBIT		1.76	-0.98	LV
03/08/2010	1 STUDENT	12.00		11.02	LV
03/11/2010	POSTAGE-DEBIT		1.76	9.26	LV
03/22/2010	BALANCE AS OF 03/22/2010			9.26	

=====
Total money order in hold: 0.00
Current balance as of 03/22/2010: 9.26

**Reserved/Encumbered Monies:	2.40
Available money as of 03/22/2010:	6.86

